

The regular meeting of the Board of Health was held in the Board of Health Building on Wednesday, May 26, 2004 at 7:30 p.m. Dennis Twyford called the meeting to order, and led the salute to the flag.

THIS MEETING WAS HELD IN ACCORDANCE WITH THE OPEN PUBLIC MEETING ACT, NJSA 10:4-1 ET. SEQ. ANNUAL NOTICE HAVING BEEN FORWARDED TO THE NEW JERSEY HERALD, THE NEWS LEADER AND POSTED ON THE BULLETIN BOARD MAINTAINED IN THE MUNICIPAL BUILDING FOR PUBLIC NOTICES.

ROLL CALL:

PRESENT: Dennis Twyford, Mariano Gianni, Rob Bond, Thomas Forbes, James Vanderhoof, Melinda Conti and Catherine Cokelet. Sean Monahan, Sandy Simone and Steve Bonamo, for 8 Crestview Rd were present. Gary Landiak, Sanitarian for Hopatcong and Fran Baldi, PHN were also present.

ABSENT:

MINUTES OF THE PREVIOUS MEETING: Rob made a motion to approve the April minutes, seconded by Mariano.

MEETING OPEN TO PUBLIC:

1. 8 Crestview Road: Carl said Mr. Monagan represents Actaeon LLC., who are the owners of Crestview in the Northwood section of Hopatcong. They are presently seeking from the Board some direction for a septic repair. Mr. Monagan thanked the Board. He said he was concerned that this is going in the wrong direction and we would like it straightened out. Actaeon LLC. is the owner of the property. They do not plan to live there. They hope to make some modest investments in it, sell the house, and make a small profit. Prior to purchasing this house, Actaeon did a septic test, following the DEP protocol and the septic passed. Actaeon purchased the house and did some cleaning up. They listed the house for sale and entered into a contract. When the purchasers had a home inspector test the septic, it was holding water. A clog in a pipe was discovered. A repair was undertaken, it was an old steel tank and it collapsed. A neighbor called the Health Dept. and Gary Landiak indicated a permit would be required in connection to this work. On April 23, Icon Planning & Design submitted a letter to the Health Dept. requesting comments on a proposal. The tank would be somewhat larger. Mr. Landiak requested a subsurface suitability study be performed before the plan could be approved. This is an alteration to an existing system without a change in use. We believe the subsurface suitability is not required in this context. This is an alteration. We would like concurrence from the Board that the subsurface suitability study is not required to the connection to an alteration for an existing system.

Carl added that the Health Department only became aware of this project from a phone call from a neighbor. That was our cause to be there and we found the excavation.

Gary then talked. First, he passed around photos of the excavation. He explained that there were remains of a steel septic tank and a depressed water level. They dug this hole and removed the water that was in and around where the tank was. As time went by and the hole was left unattended, we had a couple inches of rain. We have ground water up around the top of the tank. The house is not occupied, it is not sewage. What we have demonstrated here is that there is concern of ground water in and around the proximity of the septic system. When I am asked to review a septic system plan, I have to see to it there is a four-foot elevation change from the point of discharge from the system to any seasonal high ground water. Clearly, this is not going to be the case. This is an inappropriate design. If I signed this permit, that gives a perspective buyer the confidence that an administrative official has given credence to a proposal, thereby allowing to feel free to lay down money for a home that we don't feel comfortable with. I am holding forth to the Board that you support my decision that this requires a substantial amount of site evaluation before I issue any permits on it.

After a long discussion, Carl said, nature in itself is doing a little site evaluation on its own. A basin flood test is when we prepare a hole and bring in water. It is a giant perc test, nature is doing it for us. The water is lying there, it is not going anywhere, red flags go up. We deal with alterations and repairs all over this town and we probably put 75% in less than the code requires. When we see properties like this, we do the

same in every instance. Get an engineer, go out there and do the necessary test. I am not saying it can't be done, I am saying what you proposed to us, isn't going to fly. Your engineer has to set up something with this department, go out there, and evaluate the site. We will not entertain this, Gary and I are the licensed individuals, and I think the Board will support us. I've explained to Mr. Monagan, I think he is putting the cart before the horse. He should have filled an application out, put the components on the application and then we could have reviewed it and delivered you a decision. Then get an engineer and see what can be done on the property that is where you are at now. The Board can entertain this some more, but that is where you are stalled.

Rob made a motion to close discussion on this issue without taking any further action and defer to Carl and Gary to resolve the matter, seconded by Melinda. Discussion ended at 8:25 pm.

2. 13 Daydream Lane, Joe Hennen: Carl explained that Mr. Hennen is perched on the same ledge rock as 8 Crestview, he has no place to expand his septic system and he had the opportunity to purchase a piece of property across the road. We have an ordinance that this Board passed a number of years ago that does not allow a septic system from this property to be located on another piece of property. Mr. Hennen, represented by his contractor, Al Hutchins, requests a variance from this Board to allow him to put his septic system across the roadway onto 13 Daydream. Carl passed around a conceptual septic design and explained that he is confident that it will stay subsurface, it will be more in compliance and we can approve a permit for an alteration to that septic on that property. Jim made a motion to allow Mr. Hennen to put the septic in, seconded by Melinda. Roll call, all in favor.
3. Fran Baldi: Fran talked about HIPAA (Health Information Portability Accountability Act). She explained that we are not a HIPAA entity; we have a staff that is less than ten and we do not send any information electronically. Fran had a resolution ready for the Board's approval, appointing Fran and the Health Officer, the Privacy Officers for the Hopatcong Health Department, to establish a privacy policy and to designate the Hopatcong Health Dept. as a non-covered entity under HIPAA. Jim made a motion to adopt Resolution 7-2004, seconded by Mariano. Roll call, all in favor.

Bioterrorism: Fran did a Bioterrorism Presentation that started at 8:30 and ended at 8:55 pm. Everyone thanked Fran and she left the meeting. Move to reports.

HEALTH OFFICER REPORT:

1. Melinda said it is a good idea for the Health Educator to attend the SWAT Meetings, but for us to commit to pay her for her time, as tenuous as the meetings are. The person who organizes the meetings is not very farsighted with the organization of it. I am concerned because we would be paying for Kris's time and I hate to commit the Department to pay her considering it doesn't seem to be a smooth flow. That is the reason I bring this up. Catherine asked, what would be the problem with paying her when she attends? Carl answered; we will have Rosie contact Connie Danforth just to confirm and then email Kris. Everyone agreed.
2. Melinda questioned #5. Sarah, the Veterinarian for the Borough, Carl and Steve Ward had a meeting. Sarah would like to do spaying and neutering onsite. Sarah is very much interested in dealing with the large population of feral cats in the Borough. We really need an examination room, and a quarantine room. I will start the groundwork.
3. Dennis commented on the Rabies Clinic held on May 1 at Firehouse # 3. He said it was a good day and everything went well. Dennis asked if the count varies every year and Carl answered, Dale has people committed to do a census. There are a fairly large percentage of domestic owned animals, that are probably not licensed. We have to go out and shake them out. I also received a complaint from Laura about something that happened at the rabies clinic. I will not go into detail, but I am establishing a policy. I would like to present it at the next Board meeting.

SANITARIAN REPORT

BOROUGH NURSE REPORT

HEALTH EDUCATOR

REGISTRAR REPORT

ANIMAL CONTROL: *Hopatcong/Stanhope*

1. Melinda had a question about the Hopatcong animal report. She said the ACO does not have any animal bites on listed for April. She said he son was bitten on about April 22 and should have been included on his report. There was another bite that involved a puppy and that is not on the report. Carl will clarify this matter with Dale.

ALL REPORTS: Mariano made a motion to accept all reports, seconded by Thom.

CORRESPONDENCE:

1. Carl read Resolution # 6-2004, refund of fees for a Female Cancer Screening. Rob made a motion to refund the fees, seconded by Jim. Roll call, all in favor.
2. Carl asked the Board to approve payment for our attorney for \$250.00. Jim made a motion to pay the attorney fees, seconded by Thom. Roll call, all in favor.
3. Carl read an agreement by title, Interlocal Health Services Agreement for Public Health Preparedness in Response to Bioterrorism, Outbreaks of Infectious Disease and other Public Health Threats and Emergencies within the Borough, with the Borough of Hopatcong from May 1 to August 30. It is an agreement with Sussex County.
4. Carl read a letter he had written to Hopatcong Business owners about the lids on their dumpsters. It stated if your establishment is in violation, it may lead to summary action. It was a general letter and some cooperated and some did not take it so nice.
5. Interlocal Agreement Mt. Olive/Hopatcong for Animal Control. Mayor and Council approved and signed the agreement.
6. Carl read a letter he had written to Mr. Richard Robinson, regarding \$ 1,240.00 that Mr. Robinson owes for pound fees for Doodles. Mr. Robinson did not respond to the letter. There will be another letter sent to him this week.
7. Carl read a letter addressed to Mayor Hodson, praising Dale Sloat, ACO for the Borough. Dale helped this family in a time of need and wanted the Mayor to know.
8. There was another letter about Dale from a different individual thanking Dale who helped them locate their dog and when they mentioned their dog was in need of medication, Dale went straight to the pound to release their dog.
9. Contract S2 has been approved to send water down the sewers. Letters were sent to those homeowners giving them 120 days to hook up.
10. New Jersey Local Boards of Health Association: Dennis attended a meeting on May 22nd. The Governance Tool will be postponed until after Labor Day and we will be notified. Carl and Fran attended a course on the APEX, he said they really did not learn anything.

OLD BUSINESS:

1. Smoking in Borough Vehicles: Melinda said the committee felt that with the exception of the Animal Control vehicle, there should be a policy of no smoking in Borough vehicles. The Administrative vehicles are part of it. The ACO can smoke in the vehicle unless he is transporting animals. That was only a recommendation.

NEW BUSINESS:

1. Sunshine Law: Dennis had a question as to what the procedure is for closed or executive session. The issue is, if the public is entitled to know what was discussed. According to what Dennis read, the public is entitled to know what topics were discussed and minutes are supposed to be published and the actual votes. The details are excluded. Dennis said he just wanted to make sure that we do not go over the line. Melinda suggested that the Board talk with Lorraine Stark, Borough Clerk. The question would be, what is the actual procedure for closed session. The other question is the technology. Rob said it would be useful to get information from Lorraine.
2. Dennis talked again about the meeting he attended on May 22nd, New Jersey Local Boards of Health Association. He said it was very nice and he appreciated the opportunity to go there.

Jim made a motion to adjourn, seconded by Rob. Meeting adjourned at 9:25 pm.

Respectfully Submitted,
Rosemarie Mitchell